

12/28/01  
31064 U.S. PTO

01-03-02

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 11321-P012USD3  
First Inventor Richard E. Smalley  
Title METHOD FOR FORMING AN ARRAY OF SINGLE-WALL ...  
Express Mail Label No. EL 823 269 716 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 98]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 21]
- Oath or Declaration [Total Pages]
  - ☐ Newly executed (original or copy)
  - ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Prelim. Exam. Report; Two Substitute POAs

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09,380,545  
Prior application information: Examiner: S. Hendrickson Group Art Unit: 1754

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)		or	<input checked="" type="checkbox"/> Correspondence address below
Name	Ross Spencer Garsson			
Address	100 Congress Avenue Suite 800			
City	Austin	State	TX	Zip Code 78701
Country	USA	Telephone	512-370-2870	Fax 512-370-2850

Name (Print/Type)	Ross Spencer Garsson	Registration No. (Attorney/Agent)	38,150
Signature		Date	12/28/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**Compleat if Known**

Application Number	Unassigned
Filing Date	December 28, 2001
First Named Inventor	Richard E. Smalley
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	11321-P012USD3

**TOTAL AMOUNT OF PAYMENT** (\$) 913.00**METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **23-2426**

Deposit Account Name **Winstead Sechrest & Minick**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	0.00
107	510	207	255	Plant filing fee	0.00
108	740	208	370	Reissue filing fee	0.00
114	160	214	80	Provisional filing fee	0.00

**SUBTOTAL (1)** (\$) 370.00**2. EXTRA CLAIM FEES**

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent Claims	29	-20** =	9	X	9.00	81.00
Multiple Dependent	14	-3** =	11	X	42.00	462.00
					280.00	0.00

Large Entity		Small Entity		Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$) 543.00

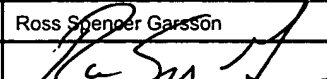
\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
105	130	205	65	Surcharge - late filing fee or oath	0.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139	130	Non-English specification	0.00
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	0.00
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0.00
115	110	215	55	Extension for reply within first month	0.00
116	400	216	200	Extension for reply within second month	0.00
117	920	217	460	Extension for reply within third month	0.00
118	1,440	218	720	Extension for reply within fourth month	0.00
128	1,960	228	980	Extension for reply within fifth month	0.00
119	320	219	160	Notice of Appeal	0.00
120	320	220	160	Filing a brief in support of an appeal	0.00
121	280	221	140	Request for oral hearing	0.00
138	1,510	138	1,510	Petition to institute a public use proceeding	0.00
140	110	240	55	Petition to revive - unavoidable	0.00
141	1,280	241	640	Petition to revive - unintentional	0.00
142	1,280	242	640	Utility issue fee (or reissue)	0.00
143	460	243	230	Design issue fee	0.00
144	620	244	310	Plant issue fee	0.00
122	130	122	130	Petitions to the Commissioner	0.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	0.00
126	180	126	180	Submission of Information Disclosure Stmt	0.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179	740	279	370	Request for Continued Examination (RCE)	0.00
169	900	169	900	Request for expedited examination of a design application	0.00
Other fee (specify) <b>N/A</b>					0.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 0.00**SUBMITTED BY**

Name (Print/Type)	Ross Spencer Garsson	Registration No. (Attorney/Agent)	38,150	Telephone	512-370-2870
Signature				Date	12/28/2001

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#2

Serial No. To Be Assigned  
(division of application  
Serial No. 09/380,545)

§ Filed: HERewith

§ Group Art Unit: 1754 (anticipated)

§ Prior Examiner: Stuart Henderson  
§ 703.308.2539

**"EXPRESS MAIL" MAILING LABEL**

Number: EL 823 269 716 US

Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the U.S. Patent and Trademark Office, Box: Patent Application, Washington, D.C. 20231.

December 28, 2001  
Date

Signature \_\_\_\_\_

Gracie Segovia  
Printed Name

Variable	Mean	SD	Min	Max
Age	34.5	10.2	21	55
Gender	Male	Female		
Marital status	Married	Single		
Education	High school	College		
Occupation	Manager	Worker		
Income	\$10,000	\$20,000		
Health status	Good	Poor		
Exercise frequency	Weekly	Monthly		
Stress level	Low	High		
Sleep quality	Good	Poor		
Dietary habits	Healthy	Unhealthy		
Alcohol consumption	None	Occasional		
Tobacco use	Non-smoker	Smoker		
Family size	2	3		
Work hours	40	50		
Commuting time	30	45		
Home ownership	Renter	Owner		
Neighborhood safety	Safe	Unsafe		
Access to green spaces	Yes	No		
Proximity to public transport	Close	Far		
Local crime rate	Low	High		
Community involvement	Active	Passive		
Local government responsiveness	High	Low		
Local business diversity	High	Low		
Local cultural events	Frequent	Rare		
Local healthcare access	Good	Poor		
Local education quality	High	Low		
Local environmental quality	Good	Poor		
Local social cohesion	High	Low		
Local economic stability	High	Low		
Local political participation	High	Low		
Local infrastructure quality	Good	Poor		
Local public services	Good	Poor		
Local safety measures	Good	Poor		
Local social services	Good	Poor		
Local cultural heritage	Rich	Poor		
Local historical significance	High	Low		
Local architectural quality	High	Low		
Local environmental heritage	Rich	Poor		
Local natural resources	Abundant	Scarce		
Local climate quality	Good	Poor		
Local air quality	Good	Poor		
Local water quality	Good	Poor		
Local soil quality	Good	Poor		
Local biodiversity	High	Low		
Local ecosystem health	Good	Poor		
Local conservation efforts	Active	Passive		
Local environmental education	High	Low		
Local environmental policy	Strong	Weak		
Local environmental governance	Effective	Ineffective		
Local environmental justice	High	Low		
Local environmental equity	High	Low		
Local environmental sustainability	High	Low		
Local environmental resilience	High	Low		
Local environmental adaptability	High	Low		
Local environmental innovation	High	Low		
Local environmental leadership	High	Low		
Local environmental collaboration	High	Low		
Local environmental communication	High	Low		
Local environmental monitoring	High	Low		
Local environmental evaluation	High	Low		
Local environmental improvement	High	Low		
Local environmental restoration	High	Low		
Local environmental protection	High	Low		
Local environmental management	High	Low		
Local environmental planning	High	Low		
Local environmental policy implementation	High	Low		
Local environmental policy enforcement	High	Low		
Local environmental policy evaluation	High	Low		
Local environmental policy improvement	High	Low		
Local environmental policy restoration	High	Low		
Local environmental policy protection	High	Low		
Local environmental policy management	High	Low		
Local environmental policy planning	High	Low		
Local environmental policy implementation	High	Low		
Local environmental policy enforcement	High	Low		
Local environmental policy evaluation	High	Low		
Local environmental policy improvement	High	Low		
Local environmental policy restoration	High	Low		
Local environmental policy protection	High	Low		
Local environmental policy management	High	Low		
Local environmental policy planning	High	Low		
Local environmental policy implementation	High	Low		
Local environmental policy enforcement	High	Low		
Local environmental policy evaluation	High	Low		
Local environmental policy improvement	High	Low		
Local environmental policy restoration	High	Low		
Local environmental policy protection	High	Low		
Local environmental policy management	High	Low		
Local environmental policy planning	High	Low		
Local environmental policy implementation	High	Low		
Local environmental policy enforcement	High	Low		
Local environmental policy evaluation	High	Low		
Local environmental policy improvement	High	Low		
Local environmental policy restoration	High	Low		
Local environmental policy protection	High	Low		
Local environmental policy management	High	Low		
Local environmental policy planning	High	Low		
Local environmental policy implementation	High	Low		
Local environmental policy enforcement	High			

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

1. Enclosed is a copy of the co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. The undersigned hereby incorporates co-pending prior patent application Serial No. 09/380,545, International Application Number PCT/US98/04513, provisional application Serial No. 60/067,325, provisional application Serial No. 60/064,531, provisional application Serial No. 60/063,675, provisional application Serial No. 60/055,037, provisional application Serial No. 60/047,854, and provisional application Serial No. 60/040,152, herein by reference and verifies that the enclosed papers are a copy of the co-pending prior patent application Serial No. 09/380,545 as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)


- (a) ☒ The inventorship is the same as co-pending prior patent application Serial No. 09/380,545.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☐ Priority of foreign patent application number \_\_\_\_\_, filed \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy: ☐ is enclosed. ☐ has been filed in the prior Application Serial No. \_\_\_\_\_.

- ☐ 2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☒ 3. Enclosed is a check in the amount of \$913.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

**CLAIMS FOLLOWING ENTRY OF PRELIMINARY AMENDMENT**

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	29 - 20 =	9 ×	\$9 =	\$81.00
Independent Claims	14 - 3 =	11 ×	\$42 =	\$462.00
Multiple Dependent Claim(s) -----				\$00.00
<b>TOTAL FILING FEES:</b>				<b>\$913.00</b>

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- 10044-10001  
SECRET - 544600E
- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required for any reason relating to this application, or credit any overpayment, to Winstead Sechrest & Minick Deposit Account No. 23-2426 referencing 11321-P012USD3.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Ross Spencer Garsson  
WINSTEAD SECHREST & MINICK P.C.  
100 Congress Avenue  
Suite 800  
Austin, Texas 78701  
(512) 370-2870 (voice)  
(512) 370-2850 (fax)
- ☒ 8. The prior application is presently assigned to William Marsh Rice University.
- ☒ 9. Enclosed is a Preliminary Amendment. Any additional fees incurred because of the Preliminary Amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the Preliminary Amendment.
- ☒ 10. Cancel in this application claims 1-30 and 34-162 of the prior application before calculating the filing fee.
- 

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

11. This application is a division of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

This application discloses subject matter related to the subject matter of U.S. patent application Serial Number 10/000,746, filed on November 30, 2001, in the name of Daniel T. Colbert et al., entitled "MACROSCOPICALLY MANIPULABLE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES," which application is commonly assigned to the assignee of the present invention.

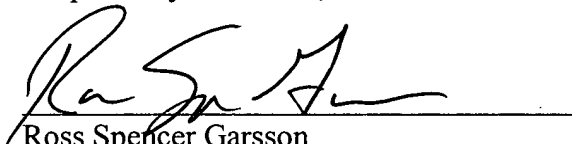
12. Enclosed are formal drawings.
13. An Information Disclosure Statement (IDS) is enclosed.
- (a) PTO/SB/08A.
- (b) Copies of IDS citations.
14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No.                      filed                      , for use in this

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No.        filed        . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☐ 15. Other: \_\_\_\_.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Ross Spencer Garsson  
Reg. No. 38,150  
Winstead Sechrest & Minick P.C.  
100 Congress Avenue  
Suite 800  
Austin, Texas 78701  
(512) 370-2870 (voice)  
(512) 370-2850 (fax)

ATTORNEYS FOR ASSIGNEE

Date: December 28, 2001

AUSTIN\_1\180585\1  
12/28/2001 - 11321-P012USD3

FOOTNOTES - 100445



JUN-30-00 15:27 ID:7136502400

WINSTEAD SECHREST MINICK

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FROM: Robert C. Shaddox

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DATE: June 30, 2000

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ATTORNEY #: 1091 CLIENT-MATTER #: 11321-G99999

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☐ Overnight Delivery ☐ Other

100345-12001